

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DENNIS DIMON,

Plaintiff,

VS.

C. A. No: 05-11073 NG

**METROPOLITAN LIFE
INSURANCE COMPANY, KEMPER
INSURANCE COMPANY,
MORGAN STANLEY DW, INC.,
MICHAEL B. LATTI, LATTI
ASSOCIATES, and LATTI &
ANDERSON LLP,**

Defendants.

**METROPOLITAN LIFE INSURANCE COMPANY'S
MOTION IN LIMINE
TO LIMIT OR OFFSET ANY DAMAGES AWARD**

ORAL ARGUMENT REQUESTED

Defendant, Metropolitan Life Insurance Company (hereinafter “MetLife”), respectfully moves for an Order to limit any award of damages, and to setoff the \$467,689.62 that Mr. Dimon already received from MetLife as well as the \$250,000.00 Mr. Dimon received from Kemper on or about May 3, 1983 (a total of \$717,689.62).

Mr. Dimon was paid a total of \$467,689.62 by MetLife. *See Breakdown of Payments*, attached to the Affidavit of Femion Mezini, Exhibit “A” attached hereto. American Motorists Insurance Company, now known as Kemper Insurance Company, applied and paid for a twenty year certain annuity that paid Mr. Dimon a total of \$467,689.62 in benefits. Mr. Dimon already received the benefit of the bargain between Charter Security Life Insurance Company (New

York) (now known as MetLife) and American Motorists Insurance Company (now known as Kemper).

WHEREFORE, Metropolitan Life Insurance Company prays that this Court issue an Order to limit any award of damages and to setoff the total of payments issued to it (the \$467,689.62 that Mr. Dimon already received from MetLife, and the \$250,000.00 paid to Mr. Dimon on or about May 3, 1983 by Kemper) of \$717,689.62.

REQUEST FOR ORAL ARGUMENT

MetLife respectfully requests that, pursuant to Local Rule 7.1(D), the Court schedule this matter for oral argument. Oral argument will assist the Court in making its decision on MetLife's Motion.

Respectfully submitted by:

Defendant,

METROPOLITAN LIFE INSURANCE
COMPANY,

By its Attorneys,

/s/ James J. Ciapciak
James J. Ciapciak, BBO # 552328
Peter M. LeBlanc, BBO # 645302
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on May 12, 2008.

/s/ Peter M. LeBlanc
Peter M. LeBlanc

A

	<u>Monthly Payment</u> <u>(Increased by 3% per year)</u>	<u>Total Payments by Year</u>
Year 1	\$1,450.45	\$17,405.40
Year 2	\$1,493.96	\$17,927.56
Year 3	\$1,538.78	\$18,465.39
Year 4	\$1,584.95	\$19,019.35
Year 5	\$1,632.49	\$19,589.93
Year 6	\$1,681.47	\$20,177.63
Year 7	\$1,731.91	\$20,782.96
Year 8	\$1,783.87	\$21,406.45
Year 9	\$1,837.39	\$22,048.64
Year 10	\$1,892.51	\$22,710.10
Year 11	\$1,949.28	\$23,391.40
Year 12	\$2,007.76	\$24,093.14
Year 13	\$2,067.99	\$24,815.94
Year 14	\$2,130.03	\$25,560.42
Year 15	\$2,193.94	\$26,327.23
Year 16	\$2,259.75	\$27,117.05
Year 17	\$2,327.55	\$27,930.56
Year 18	\$2,397.37	\$28,768.47
Year 19	\$2,469.29	\$29,631.53
Year 20	\$2,543.37	\$30,520.47
		Total Payments over 20 years
		\$467,689.62